

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PROGRESSIVE NORTHERN INSURANCE
COMPANY,

Plaintiff,

v.

DANIEL BELTEMPO, FRANCINE BELTEMPO,
PAMJAM, INC., JILCO EQUIPMENT LEASING
COMPANY, INC., DANA'S PRO TRUCKING,
INC., TRAILMOBILE CORP., TRAILMOBILE
PARTS AND SERVICE CORP., THERMO KING
CORP., INGERSOLL-RAND CO., LTD. and
THERMO KING CORP., A UNIT OF INGERSOLL-
RAND COMPANY LTD.,

Defendants.

07 CV 4033

**NOTICE OF REMOVAL
JUDGE BRIEANT**

Civil Action No. _____

FILED
U.S. DISTRICT COURT
2007 MAY 23 PM 12:47
S.D. OF N.Y.

Pursuant to 28 U.S.C. §§ 1441(a) and 1446, defendant Dana's Pro Trucking, Inc., by and through its attorneys, Kenney Shelton Liptak Nowak LLP, hereby provides notice of removal of this action from the New York Supreme Court, Orange County, to this Court, and in support thereof states:

1. Plaintiff Progressive Northern Insurance Company ("Progressive") is a Wisconsin insurance corporation with its principal place of business in Ohio.
2. Defendants Daniel and Francine Beltempo are residents of New York State.
3. Defendant Jilco Equipment Leasing Company, Inc. is a New Jersey corporation with its principal place of business in New Jersey.
4. Defendant PamJam, Inc. is a New York corporation with its principal place of business in New York.

5. Defendant Dana's Pro Trucking, Inc. ("Dana's") is a New York corporation with its principal place of business in New York.

6. Defendant Trailmobile Corp. is a Delaware corporation with its principal place of business in Illinois.

7. Defendant Trailmobile Parts and Service Corp. is a Delaware corporation with its principal place of business in Kentucky.

8. Defendant Thermo King Corp. is a Delaware corporation with its principal place of business in Minnesota.

9. Defendant Ingersoll-Rand Co., Ltd. is a Bermuda corporation with places of business in the United States including New Jersey.

10. Thermo King Corp., a Unit of Ingersoll-Rand Company Ltd., is a Delaware corporation with a place of business in New York.

11. On or about April 23, 2007, Progressive filed its Summons and Complaint for Declaratory Judgment in this action (attached hereto as Exhibit A) in New York Supreme Court, Orange County. Upon information and belief, the complaint is the only process and/or pleading in this action to date.

12. Dana's first received State Farm's complaint upon being served sometime after April 23, 2007.

13. In its complaint, Progressive seeks a declaration that it is not obligated to provide coverage to defendant PamJam, Inc., and a declaration of the various rights and obligations it has to PamJam, Inc. in connection with the defendant Daniel and Francine Beltempo's claims arising out of an alleged January 21, 2005 injury.

14. PamJam, Inc.'s policy with Progressive contains automobile liability coverage

with limits of \$1 million per person.

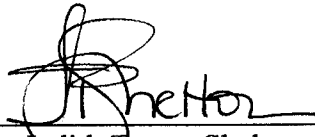
12. Dana's removes this action pursuant to 28 U.S.C. § 1332(a)(1) based upon complete diversity among the parties and an amount in controversy that, upon information and belief, exceeds \$75,000.

13. Notice of filing of this Notice of Removal, along with this Notice of Removal, will be promptly filed with the Clerk of the New York Supreme Court, Orange County, and service of this Notice of Removal will be promptly served on all adverse parties herein.

Dated: May 22, 2007

Respectfully submitted,

KENNEY SHELTON LIPTAK NOWAK LLP

A handwritten signature in black ink, appearing to read "J. Shelton", is written over a horizontal line.

By: Judith Treger Shelton, Esq.
Timothy E. Delahunt, Esq.

*Attorneys for Defendant
Dana's Pro Trucking, Inc.*

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